

CLOSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

v.

Juan Carlos Martinez-Durante

Citizen of Mexico

USM#: 73083-208

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 07-10735-001M-SD

Richard L. Juarez (AFPD)
Attorney for Defendant

DOB: 1977

ICE#: A99 832 578

THE DEFENDANT ENTERED A PLEA OF guilty on 11/5/2007 to Count TWO of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of FIFTY-FIVE (55) DAYS on Count TWO, with credit for time served.

IT IS FURTHER ORDERED that all remaining counts are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted **FINE: \$** **RESTITUTION: \$**

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

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USA vs. Juan Carlos Martinez-Durante

Date of Imposition of Sentence: Monday, November 5, 2007

Date 11/5/2007

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution
designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By: _____ Deputy Marshal

United States Marshal
07-10735-001M-SD -

DATE: 11/5/2007 CASE NUMBER: 07-10735-001M-SD**PLEA/SENTENCING MINUTES**USA vs. Juan Carlos Martinez-DuranteU.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BKU.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
Attorney for Defendant Richard L. Juarez (AFPD) LANGUAGE: SpanishDEFENDANT: PRESENT NOT PRESENT RELEASED CUSTODYDOA 11/2/07 Complaint Filed Appointment of counsel hearing held
 Financial Afdvt taken No Financial Afdvt taken Financial Afdvt sealed
 Initial AppearanceDETENTION HEARING: Held Cont'd Reset UA

Set for: before:

 Defendant ordered temporarily detained in the custody of the United States Marshal
 Defendant ordered released (see order setting cond of rel) Bail set at \$ _____
 Defendant continued detained pending trial Flight Risk DangerPLEA HEARING: Held Cont'd Reset

Set for: before:

 Consent to be tried by a Magistrate Judge signed Class A Misd Class B Misd Class C Misd
 Consent of Defendant Information filed _____ Complaint filed _____
 Defendant sworn and examined by the Court Plea of Guilty Not Guilty Entered to Counts TWO
 Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
 Plea of Guilty entered as to Ct(s) TWO of the Information Indictment Complaint
 Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
 Plea agreement: Lodged Filed Sealed
 Court does not accept defendant's plea of guilty because _____
 PSI ORDERED EXPEDITED PSI waived Time waived for passage of sentence
 Continued for sentence to _____ before _____
 To be dismissed upon entry of the judgment, Ct(s) ONE
 ORDER vacate trial date/motion hearing/mtns moot
 ORDER defendant remain released pending sentence remanded to USM

SENTENCING:

 Defendant committed to Bureau of Prisons for a period of 55 DAYS Probation/Supervised Release for _____
 Special Assessment \$ REMITTED Fine \$ _____ Restitution \$ _____

Other: _____

RECORDED: CS
BY: Angela J. Tuohy, Deputy Clerk

11/2

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Juan Carlos MARTINEZ-Durante
Citizen of Mexico
YOB: 1977
A99 832 578
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10735M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about February 5, 2007, Defendant Juan Carlos MARTINEZ-Durante was arrested and removed from the United States to Mexico through the port of Nogales, Arizona, in pursuance of law, and thereafter on or about November 2, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about October 31, 2007, within the Southern District of California, Defendant Juan Carlos MARTINEZ-Durante, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. Yes No


Signature of Complainant

David Bon
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

November 5, 2007

Date

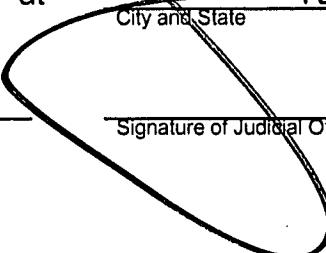
at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Juan Carlos MARTINEZ-Durante

Dependents: 3 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through Nogales, Arizona on February 5, 2007. The Defendant has a total of 23 apprehensions by Border Patrol.

CRIMINAL HISTORY:

DATE/LOCATION	OFFENSE	DISPOSITION
7/20/01 Palm Springs, CA	Disorderly Conduct	NONE SHOWN
9/18/06 Riverside, CA	Possession Controlled Substance, Driving W/O License	NONE SHOWN
12/14/06 El Centro, CA	Possession Controlled Substance	WARRANT ISSUED
10/07/07 Riverside, CA	Possession Controlled Subs	NONE SHOWN

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

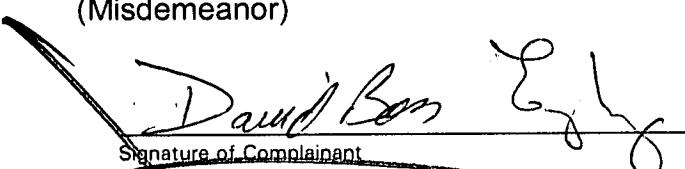
The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on October 31, 2007.

The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."

Charges: 8 USC§1326
8 USC§1325 (Felony)
(Misdemeanor)

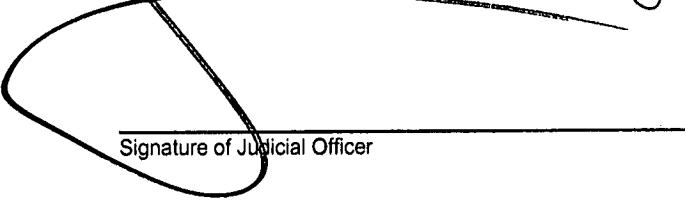


Signature of Complainant

Sworn to before me and subscribed in my presence,

November 5, 2007

Date



Signature of Judicial Officer

I, Senior Patrol Agent David Bon, declare under penalty of perjury, the following is true and correct:

Defendant: Juan Carlos MARTINEZ-Durante
Dependents: 3 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through Nogales, Arizona on February 5, 2007. The Defendant has a total of 23 apprehensions by Border Patrol.

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Executed on: Date November 3, 2007 Time: 7:45 AM

Signed: David Bon, Senior Patrol Agent

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on October 31, 2007 in violation of Title 8, United States Code, Section(s) 1326 and 1325.

Finding made on: Date November 3, 2007 Time 3:00pm

Signed: United States Magistrate Judge